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To whom it may concern:

I am writing to urge the Federal Communications Commission to preserve Title II classification for internet service providers.

Public comments by FCC chairman Ajit Pai have characterized Title II classification as an aberration in the history of ISP regulation, and the proceeding 17-108 as restoring the regulatory status quo ante. But this assessment doesn't match the history. As far back as 2005, the FCC was working on a way to guarantee that internet service would be nondiscriminatory. But what legal framework can support that goal? The "status quo ante" Title I legal framework failed to do so; the Open Internet Order died in court. Title II reclassification was a direct outcome of that.

So if the FCC still believes in the Open Internet Principles it established over a decade ago, it shouldn't back away from the legal framework that can defend those principles.

But that's not to say classifying an ISP under Title II is a purely pragmatic matter. This is not some cynical case of, "we have to classify ISPs as common carriers so that we can bar discriminatory service".

Rather, it's the opposite. The whole reason we need to bar discriminatory service is *because* ISPs are common carriers.

They ship UDP datagrams and TCP packets over an open network, from IP to IP. They use common infrastructure – the internet backbones – infrastructure that is a public good. They certainly can't rely on being able to inspect their cargo; encryption is the norm on the internet today, and necessary for e-commerce to be viable. Users often can't choose between them; in many parts of the USA, for example, it's Comcast or nothing.

Furthermore, internet access has become vital in our modern society. Some employers only take online job applications.

If that's not the kind of transport network you classify as a common carrier, *what is?*

In short:

1. Title II is the *natural* classification for an ISP.
2. Title II classification is the best available legal framework with which to protect the Open Internet Principles – a *bipartisan*, decade-old FCC policy.
3. Thus, moving away from Title II classification is a mistake.

I urge you to regulate accordingly.

Sincerely,

Christopher Humphrey